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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,392	01/27/2006	Reinhard Kuchl	FR6122US	3600
34872	7590	09/04/2008	EXAMINER	
Basell USA Inc. Delaware Corporate Center II 2 Righter Parkway, Suite #300 Wilmington, DE 19803			OCHYLSKI, RYAN M	
			ART UNIT	PAPER NUMBER
			4151	
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			09/04/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/566,392

Applicant(s)

KUEHL ET AL.

Examiner

RYAN OCHYLSKI

Art Unit

4151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 1-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/88)
- Paper No(s)/Mail Date 26 September 2006
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: The title includes the disallowed word "improved." Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 9-11 and 13-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Goins, Robert A. (US 3,089,194, already of record).
4. Regarding Claim 9, Goins teaches a process for granulating a polymer powder having a multimodal molar mass distribution comprising:
preparing the polymer powder in a polymerization reactor (Column 2 Lines 23-34) and introducing the polymer powder into an extruder; melting and homogenizing the polymer powder in the extruder; and pressing the polymer powder through an extrusion die (Column 2 Line 68 - Column 3 Line 3 and Figure 1), wherein an organic solvent or suspension medium is added to the polymer powder in an amount from 0.001 to 20 % by weight based on a total weight of the polymer powder prior to introducing the polymer powder into the extruder (Column 2 Lines 62-67).
5. Regarding Claim 10, Goins further teaches the organic solvent or suspension medium is prepared in suspension in the polymerization reactor; the organic solvent or

suspension medium not being subjected to complete drying (Column 2 Lines 23-34 and Figure 1). Goins does not require complete drying of the polymer; in fact Goins allows for the further addition of solvent to the powder.

6. Regarding Claim 11, Goins further teaches the organic solvent or suspension medium is introduced to a dry polymer powder (Column 2 Lines 23-34 and Figure 1). Goins does not require the solvent to be added to the polymerization zone and allows the solvent to be added to the dry polymerization product upon exit from the polymerization zone.

7. Regarding Claims 13-15, Goins further teaches the organic solvent or suspension medium in the polymer powder is in an amount from 0.0015 to 15 % by weight, 0.002 to 10 % by weight, or 0.01 to 5 % by weight (Column 2 Lines 62-67).

8. Regarding Claim 16, Goins further teaches the organic solvent or suspension medium is a saturated or cyclic, or polycyclic or aromatic hydrocarbon having from 3 to 18 carbon atoms (Column 5 Lines 5-11).

9. Regarding Claim 17, Goins further teaches the organic solvent or suspension medium has from 4 to 12 carbon atoms (Column 5 Lines 7-9).

10. Regarding Claims 18-19, Goins further teaches the polymer powder comprises the thermoplastic polymer polyethylene (Column 2 Lines 23-34).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

14. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goins, Robert A. (US 3,089,194, already of record) as applied to Claim 1 above in view of Bilhorn, John M. (EP 0393379, already of record).

15. Regarding Claim 12, Goins teaches the organic solvent or suspension medium is in the polymer powder in an amount from 0.001 to 20 % by weight (Column 2 Lines 62-67).

However, Goins does not teach that the organic solvent or suspension medium is introduced to the polymer powder in the extruder.

In analogous art pertaining to polymer extrusion processing, Bilhorn teaches that the organic solvent or suspension medium is introduced to the polymer powder in the extruder (Column 4 Line 55 - Column 5 Line 3) for the benefit of more precise metering and softening of the polymer.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to combine Goins with Bilhorn for the benefit of more precise metering and softening of the polymer, resulting in more efficient and cost-effective use of the organic solvent or suspension medium.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN OCHYLSKI whose telephone number is (571)270-7009. The examiner can normally be reached on Monday through Thursday from 7:30-5:00 and every other Friday from 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Ortiz can be reached on 571-272-1206. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Rmo

***/Angela Ortiz/
Supervisory Patent Examiner, Art Unit 4151***